

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

August 7, 2006

CALL TO PODIUM:

Frederick J. Felton
Assistant City Manager

RESPONSIBLE STAFF:

Frederick J. Felton
Assistant City Manager
Greg Ossont, Director
Planning & Code Administration

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
X	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

An Ordinance Establishing Zoning of Approximately 182.81725 Acres of Land, Currently Known As Parcels P600, P445, P820, P905, P833 and N094, Located at the Southwest Side of Fields Road, Bounded By Sam Eig Highway to the Northwest and Omega Drive to the Southeast in the City of Gaithersburg, Maryland, to the MXD (mixed use development) Zone, and Adopt Sketch Plan in Accordance with §24-160d and §24-10a (floating zones) of the City Code

SUPPORTING BACKGROUND:

The attached ordinance is consistent with proposed annexation agreement for X-182. This ordinance officially zones the property MXD and approves the sketch plan which is identical to exhibit D of the annexation agreement.

DESIRED OUTCOME:

Ordinance is ready for adoption

ORDINANCE No. _____

AN ORDINANCE TO ZONE 182.81725 ACRES OF LAND,
CURRENTLY KNOWN AS PARCELS
P600, P445, P820, P905, P833 and N094,
LOCATED AT THE SOUTHWEST SIDE OF FIELDS ROAD, BOUNDED BY SAM
EIG HIGHWAY TO THE NORTHWEST AND OMEGA DRIVE TO THE SOUTHEAST
IN THE CITY OF GAITHERSBURG, MARYLAND,
TO THE MXD (MIXED USE DEVELOPMENT) ZONE,
IN ACCORDANCE WITH §24-160D
AND §24-10A (FLOATING ZONES) OF THE CITY CODE
AND APPROVE A SKETCH PLAN

X-182 Crown Farm

Annexation Resolution R-_____-06 for Application X-182, filed by Crown Village Farm, LLC, Catherine C. Stinson and Clyde A. Stinson, authorizes the annexation by the City of Gaithersburg (the "City") of Parcels P600, P445, P820, P905, P833 and N094, totaling 182.81725 acres (the "Subject Property"). At the time of annexation, the City seeks to zone the Subject Property from Montgomery County's R-60/TDR, R-200, and R-200/TDR zones to the City of Gaithersburg's MXD (Mixed Use Development) Zone (the "Zoning Application"). The Subject Property consists of 176.20829 acres owned by Crown Village Farm, LLC ("Crown Village"), 0.15773 acres owned by Meridian/Northwestern Shady Grove West, LLC, and 6.45123 acres of rights-of-way owned by Montgomery County, as more fully described in Exhibit A to this ordinance, made a part hereof.

On December 1, 2005, a Sketch Plan, required as part of the classification of the Subject Property to the MXD Zone, was filed in furtherance of the zoning of the Subject Property to the MXD Zone.

The City of Gaithersburg City Council ("City Council") and the Gaithersburg Planning Commission (the "Planning Commission") conducted a joint public hearing on February 6, 2006, in conjunction with the Application and reviewed the MXD Sketch Plan.

The Sketch Plan has been revised to reflect modifications desired by the City and deemed by the City as fully complying with all requirements of Section 24-160D.1, *et seq.*, of the zoning ordinance (the "Revised Sketch Plan"). The Revised Sketch Plan proposes a mix of uses, including 2,250 residential units in a variety of dwelling types, and 320,000 square feet of commercial/retail development and is attached as Exhibit "D" to the Annexation Agreement applicable to the Subject Property (the "Annexation Agreement").

Article 23A, Section 9(c) of the Annotated Code of Maryland provides that no municipality annexing land may, for a period of five years following annexation, place that land in a zoning classification which permits a land use substantially different from the use for the land specified in the current and duly adopted County Master Plan without express approval of the County Council. The applicable County Master Plan, the *July 1990 Shady Grove Study Area Master Plan*, recommends a multi-use project on the Subject Property, including 2,000 residential units, plus moderately priced dwelling units, and 50,000 square feet of retail/commercial development to be developed in the County's R-200/TDR and PD-20-25 Zones.

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission (the "Planning Board"), in its report to the County Council of March 31, 2006, recommended that the County Council consent to the City's request to reclassify the Subject Property from the County's R-60/TDR, R-200, and R-200/TDR zones to the City's Mixed Use Development (MXD) Zone, subject to certain issues being satisfied in an annexation agreement.

Thereafter, on April 3, 2006, the Montgomery County Council Planning, Housing and Economic Development Committee (the "Committee") reviewed the annexation petition and recommended that the requested reclassification to the MXD Zone to permit 2250 residential units and 320,000 square feet of commercial/retail development, be expressly approved by the County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District within Montgomery County (the "District Council") provided certain public policy considerations related to traffic mitigation, right of way dedications, moderately priced dwelling units, preservation of agriculture, historic preservation, and legal issues were satisfied.

On April 18, 2006 and April 25, 2006, the District Council reviewed the annexation petition and zoning proposed by the City, including the recommendations of the Planning Board and Committee, and on April 25, 2006, the District Council adopted Resolution No. R-15-1428, expressly approving the zoning by the City of Gaithersburg of the Subject Property from the County's R-60/TDR Zone, R-200 and R-200/TDR Zones to the City's MXD Zone in accordance with the requirements of Article 23A, Section 9(c), of the Annotated Code of Maryland.

The Planning Commission's record closed on April 14, 2006 and the Commission made its recommendation on April 19, 2006, and forwarded their recommendation of approval of the annexation and Zoning Application and accompanying Sketch Plan, which included fifteen (15) recommended terms for the Annexation Agreement, to the City Council. The City Council closed their record on August 2, 2006.

On August 7, 2006, the City Council carefully reviewed the evidence of record, including 192 exhibits, and considered all submitted testimony, documents and correspondence presented at the public hearing, subsequent work sessions and during the open record period. The City Council has also carefully considered the Planning Commission's recommendations for approval and agrees with the Planning Commission's findings and recommendations. The City Council made the following findings with respect to the Zoning Application and Revised Sketch Plan (collectively, the "Application"):

1. As required by Section 24-10A of the City of Gaithersburg Zoning Ordinance, the City Council finds that (a) the Application complies with the purposes and intent of the MXD Zone, as stated in the zoning ordinance; and (b) as applied will be compatible and harmonious with existing and planned land uses in the surrounding area to the Subject Property in the following manner:
 - a. Classification in the City's MXD floating zone provides the Staff, Planning Commission, Mayor and City Council and the developer the ability to craft a higher quality, mixed-use product.
 - b. Development under the MXD Zone provides the City with tools to address important master planning objectives and guidelines, both existing and currently under discussion, for the implementation of a comprehensively planned, multi-use project and facilitate the implementation of other relevant planning and

development policies and guidelines of the City, including transit accessibility, to reduce reliance of automobiles, preservation of environmentally sensitive stream valleys, enhancement of recreational amenities, and encouragement of pedestrian and other non-vehicular circulation systems.

- c. Development under the MXD Zone provides the City with phasing tools to encourage orderly, staged development by providing for various zoning and plan approvals, including development phasing.
- d. Development under the MXD Zone provides the City with both greater controls and more flexibility (including mixing of uses and setbacks) to produce a better finished product than would be available under conventional categories.
- e. The proposed development integrates residential, commercial and public uses in a manner that could not be accomplished under other conventional zone categories.
- f. The Subject Property is surrounded by properties developed under a variety of zones, including the MXD Zone, and the use of the MXD Zone will best permit the development of a plan that maximizes both external and internal compatibility. Through the review and approval of design guidelines, a superior quality of development is ensured, as well as flexibility and co-ordination of architectural style of buildings and signage.
- g. Development under the MXD Zone allows for a mix of residential, retail offices, and institutional uses located in a manner convenient to each other on a pedestrian level, will provide better linkages, including a comprehensive non-vehicular circulation network separated from vehicular roadways, and the opportunity to obtain important public uses such as a future high school site, right-of-way for the future transit line and transit stop, and a neighborhood park.
- h. The Application will be internally compatible and integrated. The range of housing types and densities will be internally compatible and supported by on-site commercial uses, providing an integrated form of development convenient to each other and well connected by pedestrian linkages.
- i. The Application encourages the efficient use of land by locating commercial uses convenient to residential areas, thereby reducing reliance on automobile use and encouraging pedestrian and non-vehicular circulation systems. Reliance on the automobile is further reduced as a result of the ability to concentrate development near the planned Corridor Cities Transitway (the "CCT") alignment and the provision of shuttle bus service to Metro.
- j. Development under the MXD Zone provides the City with the tools to provide maximum useable open space and active recreation areas close to employment and residential populations.
- k. The application will be compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. The Subject Property will provide a range of uses, complimenting existing and proposed uses in the surrounding area. Existing and planned land uses in the surrounded area include office, residential and retail uses. The proposed development will provide additional commercial and residential opportunities for these

surrounding uses and compliment the adjacent existing Rio/Washingtonian Center area. The proposed development will be designed to provide both vehicular and non-vehicular access to and linkage from surrounding and adjacent areas.

Based upon the evidence of record and for the reasons expressed herein, the City Council further finds, in accordance with Section 24-160D.1 and Section 24-160D.10(a) of the zoning ordinance, the following:

2. The Application accomplishes the purposes and objectives of the MXD Zone, as stated above. Further, the Application meets the ten (10)-acre minimum area requirement of the MXD Zone by containing approximately 183 acres. The Subject Property is located adjacent to and is readily accessible from Fields Road and Sam Eig Highway that are adequate to serve the proposed development with the required improvements based upon accepted traffic studies, and is further enhanced by a future transit line, on-site transit stop and a required shuttle bus program to the Shady Grove Metro Station. Public water and sewer service currently serves adjacent development and is available to this site. No inadequacy or other concerns with respect to the provision of these facilities has been identified in the record. A high school is planned for an area of the Subject Property to be donated by the Crown Village and will provide additional school capacity in the City. The City Council finds that the Montgomery County School Board has indicated that existing school facilities are adequate to accommodate the development proposed for the Subject Property.
3. The Application is in accord with all applicable recommendations applicable Master Plan and consistent with any special conditions or requirements contained in said master plan. In this regard, the Application complies with several of the themes and land use policy guidelines contained in the City's 2003 Master Plan and the classification of the Subject Property to the City's MXD Zone was expressly approved by the District Council in Resolution 15-1428. The Application provides for the extension of Decoverly Drive and Diamondback Drive from their present terminus at the southern boundary of the Subject Property, to Fields Road, the dedication of right-of-way for the CCT transitway alignment and one station, provision of future transit parking accessible to the planned station, provision of off-site pedestrian linkages, and significant contributions to regional recreation activities and agricultural preservation.
4. The Application will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. The range of housing types and densities will be internally compatible and supported by on-site commercial uses, providing an integrated form of development. The site will have a full range of uses existing and proposed in the surrounding area including a mix of residential and commercial/retail uses. The Subject Property is located adjacent to a major road system, including I-370 and I-270, and will have readily available access linkages to that road system. The proposed development will provide additional commercial and residential opportunities for these surrounding uses and compliment the existing Rio/Washingtonian Center area.

For the reasons expressed herein, the City Council further finds that reclassification of the Subject Property to the MXD Zone will be in the public interest and is proper for the comprehensive and systematic development of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of

Gaithersburg, in public meeting assembled, that the Subject Property, more particularly described in Exhibit A to this ordinance, being land annexed to the City by Resolution No. R-...06 be, and it hereby is, classified in the MXD (Mixed Use Development) Zone.

NOW THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Gaithersburg, in public meeting assembled, the Revised Sketch Plan, being Exhibit "D" of the Annexation Agreement (which includes the Land Use Plan, Boundary Survey, Surrounding Uses and Road Network Plan, Phasing Plan, and Natural Resources Inventory/Forest Stand Delineation) is hereby approved in accordance with and subject to compliance with the requirements and additional details contained in the Annexation Agreement, including the following, as the same are more particularly described in the Annexation Agreement:

A. Permitted Development

A mix of uses, including 2,250 residential units and 320,000 square feet of commercial/retail development. The residential unit mix and commercial/retail development for the development pods identified in the Revised Sketch Plan (the "Pods") as "Pod 1," "Pod 2," "Pod 3," and "Pod 5" are to be as follows:

1. **Pod 1** – a total of 820 to 867 dwelling units, consisting of a range of 40 to 50 units contained in three (3)-story multi-family buildings (exclusive of ground floor uses) located over Commercial/Retail Development, up to 700 units contained in four (4)-story multi-family buildings (exclusive of ground floor uses) located over Commercial/Retail Development, 20 to 30 2-over-2 units, and 70 to 80 single-family units (excluding 2-over-2 units), of which up to 6 may be single-family detached units; up to 300,000 square feet of gross leasable area of Commercial/Retail Development.
2. **Pod 2** – a total of 310 to 325 dwelling units, of which 59 to 98 may be single-family detached units, 155 to 228 may be single-family attached units (excluding 2-over-2 units), and 31 to 65 may be 2-over-2 units;
3. **Pod 3** – a total of 280 to 290 units, of which 95 to 131 may be single-family detached units, 126 to 162 single-family attached units (excluding 2-over-2 units), 28 to 44 2-over-2 units; and
4. **Pod 5** – a total of 768 to 1,010 multi-family units; multi-family buildings in Pod 5 that are 4 to 20 stories in height and that may include ground floor Commercial/Retail Development; up to 20,000 square feet of gross leasable area of Commercial/Retail Development in Pod 5.

B. Development Phasing

Crown Village to receive an allocation of 225 building permits per year for the Residential Development in Pods 1, 2 and 3 during each of the first six (6) years after the date of the Annexation Agreement, or until building permits for all of the residential units in Pods 1, 2, and 3 are issued.

C. Moderately Priced Dwelling Units

Crown Village to provide twelve and one-half percent (12.5%) of the residential units on the Subject Property in compliance with the standards and requirements of the Moderately Priced Dwelling Unit Law of Montgomery County, Chapter 25A, Montgomery County Code.

D. Workforce Housing

Crown Village to construct certain workforce housing as part of the residential development on the Subject Property. In Pods 2 and 3, four percent (4%) of the single-family attached units and four percent (4%) of the 2-over-2 units will be "Workforce Housing Units." In Pod 1, the number of workforce housing units to be provided shall equal four percent (4%) of the total number of single-family attached, 2-over-2, and multi-family units to be constructed in Pod 1.

E. Transitway Dedication and Parking

1. Crown Village to provide for the dedication of that portion of the right-of-way and one transit stop for the CCT on the Subject Property at the location shown on Exhibit "E" (the "Transit Project Dedication Area") of the Annexation Agreement, not to exceed 4.2 acres.
2. Crown Village to provide 250 parking spaces (the "Transit Parking Spaces") to be located in the future Pod 5 parking facility(ies) to the Maryland Transit Administration of the Maryland Department of Transportation ("MTA") for MTA's use in connection with the operation of the CCT on the Property.

F. On-Site Roadways

Crown Village to dedicate and construct the following roadways within the boundaries of the Subject Property at the locations generally shown for such roadways on Exhibit "F", to include Diamondback Drive, Decoverly Drive, the "Spine Road," and other internal subdivision streets as schematically shown on Exhibit "F" of the Annexation Agreement.

G. LEED Certification

1. Crown Village to design the Community Recreation Building in Pod 3 to comply with the now existing LEED (Leadership in Energy and Environmental Design) Green Building for New Construction Certified Level (i.e., qualifying for 26 points pursuant to the LEED Rating System for New Construction and Major Renovation, Version 2.2, developed by the Green Buildings Council [the "LEED Rating System"]).
2. Any builder-installed kitchen appliances, washers, dryers and applicable HVAC equipment in all units of the residential development shall equal or exceed the standards for Energy Star rated appliances in effect as of the date of this Ordinance.

H. School Site Dedication

Crown Village has agreed to donate to Gaithersburg a parcel of land from the Subject Property, not to exceed 32.1 acres, at the location shown in the Approved Sketch Plan and as otherwise generally shown on Exhibit "K" to the Annexation Agreement (the "School Site"), for the use and construction of a public high school by Montgomery County Public Schools ("MCPS").

I. Neighborhood Park Dedication

Crown Village to dedicate a neighborhood public park to Gaithersburg in the location shown on the Approved Sketch Plan (the "Neighborhood Park") and more particularly

shown on Exhibit “J” of the Annexation Agreement. The area to be dedicated for the Neighborhood Park shall contain approximately 5 acres.

J. Historic Structure

Crown Village to preserve and improve the existing main farmhouse located at 9800 Fields Road and the associated tenant log house.

K. Traffic Mitigation

Crown Village to include a shuttle bus program (the “Shuttle Bus Program”) as part of a “Traffic Mitigation Plan.” The Shuttle Bus Program will provide for the operation and funding by Crown Village, its successors or assigns, of a private shuttle bus service to the Shady Grove Metro Station and provision of other transit management components to serve the development on the Subject Property.

L. Contribution to the Montgomery County Agricultural Land Preservation Easement Fund

Crown Village to make a total contribution of \$2,000,000 to the Montgomery County Agricultural Land Preservation Easement Fund. The payments shall be made by Crown Village or its designees in four (4) equal installments in accordance with a plat recordation schedule.

M. Regional Recreation Contribution

Crown Village to make a contribution to the City in the total amount of \$5,000,000 for off-site regional recreation improvements and amenities to be used at Gaithersburg’s discretion (the “Regional Recreation Contribution”).

N. Public Art

Crown Village to participate in Gaithersburg’s Public Art Program. As its total contribution under the Public Art Program, Crown Village shall be obligated to commit \$150,000 for public art in Pod 1 and \$50,000 for public art in Pods 2 and 3.

O. Bus Shelters and Off-Site Sidewalk Connections

1. Crown Village to contribute \$30,000 to Gaithersburg prior to issuance of the initial building permit for new construction on the Subject Property of four (4) bus shelters to serve the development on the Subject Property.
2. Crown Village to design and construct not more than four (4) off-site sidewalk connections to the Subject Property at the locations generally shown on Exhibit “L-1” [the “Off-Site Sidewalk(s)”] of the Annexation Agreement.

P. Off-Site Road Improvements

Crown Village to construct or participate in the cost of the Off-Site Roadway Improvements identified on Exhibit “G” to the Annexation Agreement.

Q. Design Guidelines

Crown Village shall prepare Design Guidelines for the development of the Subject Property for approval by the City.

ADOPTED by the City Council this _____ day of _____, 2006.

Sidney A. Katz, Mayor and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this day of 2006.
APPROVED by the Mayor of the City of Gaithersburg, this _____ day of _____, 2006.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2006, and that the same was approved by the Mayor of the City of Gaithersburg on the ____ day of _____, 2006. This Ordinance will become effective on the _____ day of _____, 2006.

David B. Humpton, City Manager

EXHIBIT A TO ORDINANCE NO. _____

**METES AND BOUNDS DESCRIPTION
ANNEXATION PARCEL
GAITHERSBURG ELECTION DISTRICT No. 9
MONTGOMERY COUNTY, MARYLAND**

Being all of the property acquired by Crown Village Farm, LLC, a Delaware limited liability company, from (i) Catherine Virginia Stinson; (ii) Kenneth Crown, Personal Representative of the Estate of Charlie O. Crown, Deceased, (also known as Charles Oliver Crown and Charles O. Crown); (iii) Lorraine B. Crown, individually and as Personal Representative of the Estate of James Forrest Crown, Deceased, (also known as James F. Crown) by deed dated September 14, 2005 and recorded among the Land Records of Montgomery County, Maryland in Liber 30800 at folio 506; also being part of the property acquired by Crown Village Farm, LLC, a Delaware limited liability company, from Lorraine B. Crown, surviving tenant by the entireties of James Forrest Crown, (also known as James F. Crown), by deed dated September 14, 2005 and recorded among the Land Records of Montgomery County, Maryland in Liber 30800 at folio 517; also being part of the property acquired by Crown Village Farm, LLC, a Delaware limited liability company, from Kenneth Crown, Personal Representative of the Estate of Charlie O. Crown, Deceased, (also known as Charles Oliver Crown and Charles O. Crown) by deed dated September 14, 2005 and recorded among the Land Records of Montgomery County, Maryland in Liber 30800 at folio 527; also being all of the property acquired by Crown Village Farm, LLC, a Delaware limited liability company, from Catherine C. Stinson and Clyde A. Stinson by deed dated September 14, 2005 and recorded among the Land Records of Montgomery County, Maryland in Liber 30800 at folio 537; also being all of Tract 2 of the property acquired by Meridian/Northwestern Shady Grove West, LLC, a Delaware limited liability company, from Shady Grove Associates II, LLC, a Maryland limited liability company, by deed dated October 31, 2002 and recorded among the Land Records of Montgomery County, Maryland in Liber 22261 at folio 137; also being part of the right of way of Sam Eig Highway as shown on Montgomery County, Maryland Department of Transportation Right of Way Plats 256, 257 and 259; also being part of the right of way of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 205; and also being all of the right of way of Diamondback Drive (now known as Research Boulevard) as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 19 and being more particularly described as follows:

Beginning for the same at a rebar found on the easterly right of way line of Sam Eig Highway as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 259 and at the beginning of the 1st or North 20° 03' 28" East, 600.69 foot line described in Liber 30800 at Folio 506; thence crossing Sam Eig Highway the following course

and distance:

1. South 89° 52' 29" West, 159.81 feet to a rebar found on the westerly right of way line of Sam Eig Highway as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 259; thence running with the westerly right of way line of Sam Eig Highway as shown on Montgomery County, Maryland Department of Transportation Right of Way Plats 256, 257 and 259, crossing the intersection of Diamondback Drive, the following 3 courses and distances
2. North 20° 03' 28" East, 655.82 feet, tangent, to a point of curvature; thence
3. 608.64 feet along the arc of a curve deflecting to the right, having a radius of 3891.73 feet (chord: North 24° 32' 17" East, 608.02 feet) to a point of compound curvature; thence
4. 277.35 feet along the arc of a curve deflecting to the right, having a radius of 15888.02 feet (chord: North 29° 31' 07" East, 277.35 feet) to a point; thence crossing Sam Eig Highway the following course and distance, tangent
5. South 69° 50' 59" East, 197.67 feet to a point at the beginning of the 5th line described in Liber 30800 at folio 506; thence running with said 5th line and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 256 the following course and distance
6. North 87° 05' 41" East, 234.25 feet to an iron pipe found at the beginning of the 6th line described in Liber 30800 at folio 506; thence running with said 6th line, with the 1st line described in the aforesaid deed recorded in Liber 30800 at folio 537 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 206 the following course and distance
7. North 84° 48' 15" East, 300.24 feet to a point; thence running with the 2nd and 3rd lines described in Liber 30800 at folio 537 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 206 the following 2 courses and distances
8. North 87° 05' 41" East, 130.84 feet, tangent, to a point of curvature; thence
9. 648.10 feet along the arc of a curve deflecting to the right, having a radius of 780.00 feet (chord: South 69° 06' 07" East, 629.62 feet) to a rebar and cap found at a point of tangency; thence running with the

4th line described in Liber 30800 at folio 537, with the 10th line described in Liber 30800 at folio 506 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 206 the following course and distance

10. South 45° 17' 55" East, 123.10 feet to a rebar and cap found; thence running with the 11th through the 13th lines described in Liber 30800 at folio 506 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 206 the following 3 courses and distances
11. South 44° 42' 05" West, 35.00 feet to a rebar and cap found; thence
12. South 45° 17' 55" East, 130.00 feet to a rebar and cap found; thence
13. North 44° 42' 05" East, 35.00 feet to a rebar and cap found at the beginning of the 14th line described in Liber 30800 at folio 506; thence running with said 14th line, with the 3rd line of Parcel Two as described in the aforesaid deed recorded in Liber 30800 at folio 527 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plats 206 and 205 the following course and distance
14. South 45° 17' 55" East, 606.04 feet, tangent, to a point of curvature; thence running with the 4th line of Parcel Two as described in Liber 30800 at folio 527 and binding on the southerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 205 the following course and distance
15. 291.33 feet along the arc of a curve deflecting to the left, having a radius of 1040.00 feet (chord: South 53° 19' 24" East, 290.37 feet) to a rebar and cap found; thence leaving said southerly right of way line of Fields road and running with the 5th line and part of the 6th line of Parcel Two as described in Liber 30800 at folio 527 and binding on the southerly lines of Outlot A as shown on a plat of subdivision entitled "Washingtonian Center" and recorded among the aforesaid Land Records as Plat 15996 the following 2 courses and distances non-tangent
16. South 46° 01' 12" East, 243.31 feet to a rebar and cap found; thence
17. North 66° 13' 50" East, 137.92 feet to a rebar and cap found; thence running, in part, with the easterly line of Outlot A as shown on the aforesaid Plat 15996 and crossing Fields Road the following course and distance

18. North 18° 12' 45" East, 84.84 feet to an iron pipe found on the northerly right of way line of Fields Road as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 205; thence running with said northerly right of way line the following course and distance
19. South 77° 30' 08" East, 111.19 feet to a point; thence leaving said northerly right of way line and crossing Fields Road the following course and distance
20. South 12° 29' 52" West, 115.00 feet to a point within Parcel Two as described in Liber 30800 at folio 527; thence running in, through over and across Parcel Two as described in Liber 30800 at folio 527 the following course and distance
21. South 77° 30' 08" East, 357.40 feet to a point within Parcel Two as described in Liber 30800 at folio 527; thence running in, through over and across Parcel Two as described in Liber 30800 at folio 527, Parcel One as described in Liber 30800 at folio 527 and the property described in the aforesaid deed recorded in Liber 30800 at folio 517 the following course and distance
22. South 70° 47' 38" East, 1796.49 feet to a point on the 8th line described in Liber 30800 at folio 517; thence running, in part, with said 8th deed line, with the easterly outline of Tract 2 of the property acquired by Meridian/Northwestern Shady Grove West, LLC, a Delaware limited liability company, from Shady Grove Associates II, LLC, a Maryland limited liability company, by deed dated October 31, 2002 and recorded among the Land Records of Montgomery County, Maryland in Liber 22261 at folio 137 and binding on the westerly right of way line of Omega Drive as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 54 the following course and distance non-tangent
23. 353.45 feet along the arc of a curve deflecting to the right, having a radius of 285.00 feet (chord: South 02° 06' 13" East, 331.23 feet) to a point of tangency; thence running with the easterly outline of Tract 2 as described in Liber 22261 at folio 137 and with the westerly right of way line of Omega Drive as shown on a plat of street dedication entitled "Decoverly Hall" and recorded among the Land Records of Montgomery County, Maryland as Plat Number 15546 the following course and distance
24. South 33° 25' 30" West, 944.71 feet, tangent, to a point of curvature; thence running, in part, with the easterly outline of the property described in Liber 22261 at folio 137, in part, with part of the 10th line described in Liber 30800 at folio 517 and with the westerly right of way line of Omega Drive as shown on the aforesaid Plat Number 15546 and as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 54 the following course and distance

25. 206.36 feet along the arc of a curve deflecting to the right, having a radius of 444.80 feet (chord: South 46° 43' 04" West, 204.51 feet) to a point of tangency; thence running with the 11th line described in Liber 30800 at folio 517 and with the westerly right of way line of Omega Drive as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 19 the following course and distance
26. South 60° 00' 30" West, 100.00 feet, tangent, to a point of curvature; thence running, in part, with the 12th line described in Liber 30800 at folio 517 and with the westerly right of way line of Omega Drive as shown on Montgomery County, Maryland Department of Transportation Right of Way Plat 54, crossing the intersection of Diamondback Drive (now known as Research Boulevard) as shown on said Right of Way Plat 19, the following course and distance
27. 266.90 feet along the arc of a curve deflecting to the left, having a radius of 1136.40 feet (chord: South 53° 16' 48" West, 266.29 feet) to a point of tangency; thence crossing the intersection of Diamondback Drive (now known as Research Boulevard) as shown on said Right of Way Plat 19, the following course and distance
28. South 46° 33' 05" West, 39.61 feet to a point; thence running with the southerly right of way lines of Diamondback Drive (now known as Research Boulevard) as shown the aforesaid Right of Way Plat 19 the following 3 courses and distances
29. North 01° 33' 05" East, 35.36 feet to a point; thence
30. North 43° 26' 55" West, 133.60 feet, tangent, to a point of curvature; thence
31. 203.26 feet along the arc of a curve deflecting to the left, having a radius of 822.09 feet (chord: North 50° 31' 54" West, 202.74 feet) to a point; thence running with the southerly limit of dedication of Diamondback Drive (now known as Research Boulevard) as shown on the aforesaid Right of Way Plat 19, running with the 17th line described in Liber 30800 at folio 517 and binding on the northeasterly line of Parcel LL as shown on a plat of subdivision entitled "Discoverly Hall" and recorded among the aforesaid Land Records as Plat Number 17631 and the northeasterly line of Outlot 5 as shown on a plat of subdivision entitled "Discoverly Hall" recorded among the aforesaid Land Records as Plat Number 17633 the following course and distance non-tangent
32. North 43° 26' 54" West, 386.28 feet to an iron pipe found at the beginning of the 1st line described in Liber 30800 at folio 517; thence running with said 1st line, with the 1st line of Parcel One as described in Liber 30800 at folio 527, with the 12th line of Parcel Two as

described in Liber 30800 at folio 527 and binding on the northerly line of Outlot 5 as shown on a plat of subdivision entitled "Discoverly Hall" and recorded among the aforesaid Land Records as Plat Number 17633, the northerly line of Parcel MM as shown on a plat of subdivision entitled "Discoverly Hall" and recorded among the aforesaid Land Records as Plat Number 17632, the northerly termination of Discoverly Drive as shown on plats of subdivision entitled "Discoverly Hall" and recorded among the aforesaid Land Records as Plats Numbered 17632 and 18851, and the northerly line of Parcel A, Block 4 as shown on a plat of subdivision entitled "Discoverly Adventure" and recorded among the aforesaid Land Records as Plat Number 17658 the following course and distance

33. North 72° 13' 43" West, 1890.65 feet to a point; thence running with the 13th line of Parcel Two as described in Liber 30800 at folio 527 and binding on the northerly line of the aforesaid Parcel A, Block 4 "Discoverly Adventure" as shown on the aforesaid Plat Number 17658 the following course and distance
34. North 84° 52' 25" West, 660.45 feet to a rebar and cap found; thence running with the 14th line of Parcel Two as described in Liber 30800 at folio 527 and binding on the northeasterly line of Parcel B, Block 4 as shown on the aforesaid Plat Number 17658 the following course and distance
35. North 25° 17' 00" West, 920.80 feet to a pinch pipe found; thence running with the 17th through 19th lines described in Liber 30800 at folio 506 and binding on the northerly lines Parcel B, Block 4 as shown on a plat of subdivision entitled "Discoverly Adventure" and recorded among the aforesaid Land Records as Plat Number 17658, the northerly termination of Diamondback Drive as shown on a plat of subdivision entitled "Discoverly Adventure" and recorded among the aforesaid Land Records as Plat Number 17657 and the northerly line of Parcel E, Block 1 as shown on a plat of subdivision entitled "Discoverly Adventure" and recorded among the aforesaid Land Records as Plat Number 18721 the following 3 courses and distances
36. South 56° 05' 32" West, 216.55 feet to a rebar found, passing over a rebar and cap found on line at 189.13 feet; thence
37. North 78° 19' 52" West, 274.10 feet to a point, passing over a rebar and cap found on line at 79.03 feet; thence
38. North 89° 31' 50" West, 393.46 feet to the Point of Beginning; containing 7963519 square feet or 182.81725 acres of land.

CONTAINING the calculated area of 182.81725 acres of land, more or less, according to a survey thereof made Rodgers Consulting, Inc. in July 2005.